




Office of the Indiana Attorney General
Consumer Protection Division

IndianaConsumer.com

What you should know about Identity Theft and Data Protection

Lyman “Chuck” Taylor
Deputy Attorney General
Identity Theft Unit

1



Office of the Indiana Attorney General
Consumer Protection Division

IndianaConsumer.com

Introduction/Background

- 12.6 million ID theft victims in U.S. in 2012
 - 2012 Identity Fraud Survey Report, Javelin Strategy and Research
- \$21 billion in losses from ID theft in 2012
 - 2012 Identity Fraud Survey Report, Javelin Strategy and Research
- Top consumer complaint category again (12th year in a row) with Federal Trade Commission – 15% of all complaints filed with FTC in 2011
 - Consumer Sentinel Network Data Book for Jan. - Dec. 2011



Office of the Indiana Attorney General
Consumer Protection Division

IndianaConsumer.com



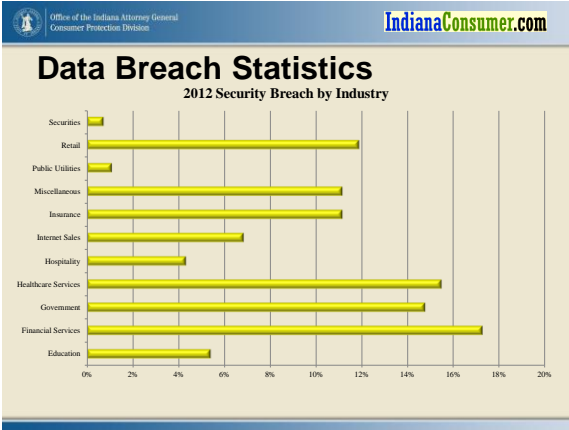
| Year | Millions of victims | Total one year fraud amount (\$ billions) |
|----------------|---------------------|---|
| 2006 | 11.2 | \$22.9 |
| 2007 | 10.8 | \$26.7 |
| 2008 | 10.2 | \$24.7 |
| 2009 | 12.5 | \$28.9 |
| 2010 | 13.9 | \$21.4 |
| 2011 | 10.2 | \$19.9 |
| 2012 | 11.8 | \$18.0 |
| 2012 (approx.) | 12.6 | \$20.8 |

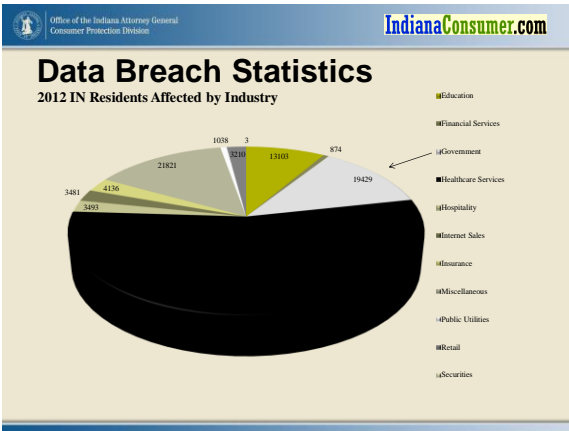
Approx. 12.6 Million U.S. Residents Became Victims of Identity Theft in 2012...a 9% increase over 2011

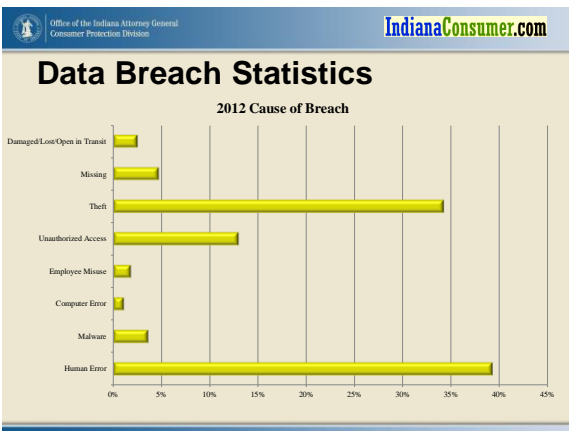
1 victim every 3 seconds in 2012!


Source: Javelin Group 2012 Report

3










Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Data Breach Statistics

- 1 in 4 data breach notification recipients become a victim of identity Fraud
- Victims of data breaches are **5 times more likely** to be a victim of identity fraud if a SSN is involved.
- Consumers share via “public” profiles:
 - Birthday information 55%
 - High School Name 51%
 - Telephone Number 12%
 - Name of their pet 9%

Source: Javelin Group 2012 Report




Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Source of Data Breaches

- Stolen Laptops
- Hacked Servers
- Lost Smart Phones & other Portable Devices
- Errant Delivery of paper Records & Backup Tapes
- ID Thieves in House
- Employees with Ulterior Motives

8



Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Organizing a Response

- Assemble a Team
 - Steering Group
 - Larger Group
- Forensic Consultant
- Public Relations/Gov't Affairs
- Mailing House
- Call Center
- Insurer
- Set Time Frames for Response Up Front

9

What's true?

- Planning the required response depends upon getting a firm handle of the facts of the situation---this drives everything else
- What kind of data: PHI, PII, both?
- What States?
- What safeguards were in place?
- What happened?
- Do you know what data was lost?
- Is immediate recovery of data possible?

10

Forensic Consultant?


- Does digital evidence still exist?
- Can it be preserved?
- Can data on lost/stolen devices be reconstructed or recovered?
- Can devices be tracked, recovered, or remotely wiped?

11

Apply the Law to the Facts

- Was unencrypted PII involved?
- Some PHI is also "personal information" under state notification law
- Will a HIPAA notice fulfill state requirements?
- In a complex breach, you may need to send out several kinds of notices in several jurisdictions---this can be challenging to organize within a 60 day time frame.

12




Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Data Breach Responsibilities

- Identify all individuals whose unsecured PHI has been subject to a breach
- Covered Entity provides notice to individuals, OCR Secretary , and media, as applicable
- Notice to AG and other agencies as required
- Prepare a communication plan that includes information appropriate to the types of data breached, protective measures for individuals & corrective measures taken

13




Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

An Ounce of Prevention

- Lost/Stolen portable devices continue to be a leading cause of breaches
- Encryption is becoming a requirement as a matter of practice
- Employee training should prepare employees to recognize “social engineering” attempts to gain confidential information

14




Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

An Ounce of Prevention

- Your risk areas include:
 - Well intentioned employees trying to work at home or on the road
 - Trusted insiders using information for unauthorized purposes
 - Employees and consultants who use or transport more data than they really need
 - Unprepared vendors
 - Thieves and hackers

15



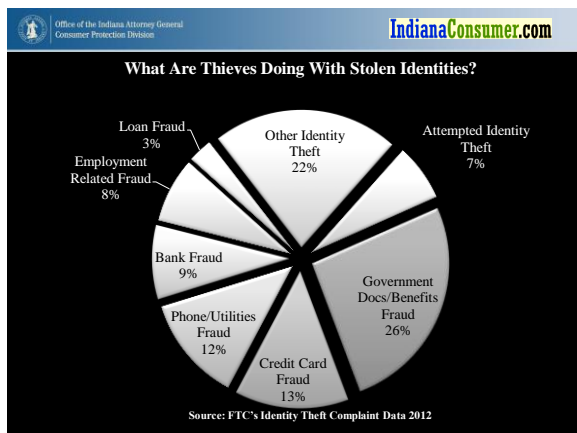
Office of the Indiana Attorney General
 Consumer Protection Division


IndianaConsumer.com

Are You Ready?

- Recent Risk Assessment
- Mitigation Plan
- Breach Response Policy and Plan

16






Office of the Indiana Attorney General
 Consumer Protection Division


IndianaConsumer.com

How Identity Theft Can Hurt You

- ❖ Student Loan
- ❖ Car Loan
- ❖ Credit Card
- ❖ Mortgage
- ❖ Utilities/Phone
- ❖ Employment
- ❖ Medical Mix-Ups
- ❖ Harassment by Collection Agencies
- ❖ Problems Can Haunt You for Years



18



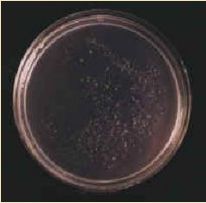
Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com


Do You Expect Your Hospital to Worry About Germs?

The risk of Identity Theft is a lot like germs... you can be aware and use precaution.

You cannot avoid the risk completely. You can only be smart about the behaviors you use and educate those around you.



19




Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Overview

- What You Should Know
 - The Indiana Statutes Involved
 - What to Do if You Are A Victim
 - How to Protect Your Identity & Prevent Becoming a Victim



Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

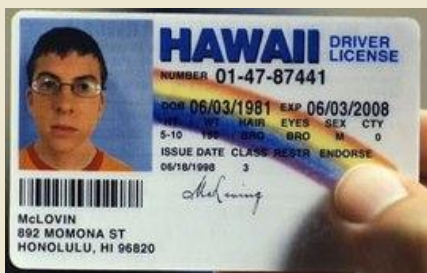
Indiana Identity Theft Statutes You Should Know About

- Identity Theft Unit (IC 4-6-13)
- Security Breach (IC 24-4.9)
- Security Freezes (IC 24-5-24)
- Duties of Creditors (IC 24-5-26)
- Criminal Statutes (IC 35-43-5)
- Victim Rights (IC 35-40-14)

Indiana Code Article 24-4.9

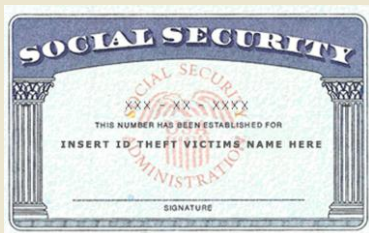
- Security Breach Notice to consumer must be made "without unreasonable delay" IC 24-4.9-3-3
 - Notice must also be provided to the office of Attorney General IC 24-4.9-3-1(c)
 - Data base owners are required to:
 - ◆ "implement and maintain reasonable procedures, including taking any appropriate corrective action, to protect and safeguard from unlawful use or disclosure any personal information of Indiana residents collected or maintained by the data base owner."
- IC 24-4.9-3-3.5 (\$5,000 civil penalty for violations)


Exceptions?



23

What You Should Know About Federal Rights For Victims/Consumers





Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Federal Rights

- Fair Credit Reporting Act rights and remedies
 - 3 free credit reports per year
 - Fraud alerts and active duty alerts
 - Right to obtain application and transaction records
 - Right to dispute and block fraudulent information from credit reports



Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

What You Should Know About Protecting Your Identity & Preventing Identity Theft

MY SOCIAL SECURITY # IS
457-55-5462


Don Todd Davis, CEO of LIFELINK, explains why you should protect your identity and how to do it. He also shares the top 10 ways to protect your identity and prevent identity theft.

Don Todd Davis, CEO of LIFELINK, explains why you should protect your identity and how to do it. He also shares the top 10 ways to protect your identity and prevent identity theft.

FREE TRIAL

Don Todd Davis, CEO of LIFELINK, explains why you should protect your identity and how to do it. He also shares the top 10 ways to protect your identity and prevent identity theft.






Office of the Indiana Attorney General
 Consumer Protection Division

IndianaConsumer.com

Ways to Protect Your Identity

- Be Careful Giving Out Personal Information Online
- Use "Strong" Passwords and change them often ... www.passwordbird.com
- Kellie + Colts + 10/31/98 = "Col98kel"
- Be Suspicious of "Free" Downloads ...
- Be Familiar with Online Security Features ... www.getnetwise.org
- Update Your Anti-Virus and Anti-Malware Software Regularly!



27



Office of the Indiana Attorney General
Consumer Protection Division

IndianaConsumer.com

Ways to Protect Your Identity

- Don't carry your Social Security Card with you
- Watch where you leave your personal stuff



28



Office of the Indiana Attorney General
Consumer Protection Division


IndianaConsumer.com

Ways to Protect Your Identity

- Destroy personal papers you don't need anymore



29




Office of the Indiana Attorney General
Consumer Protection Division

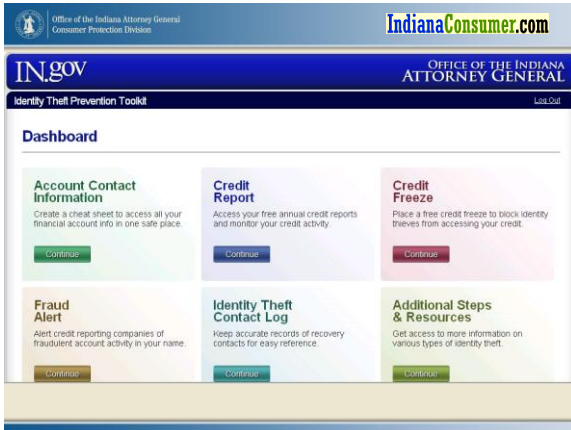
IndianaConsumer.com

Ways to Protect Your Identity

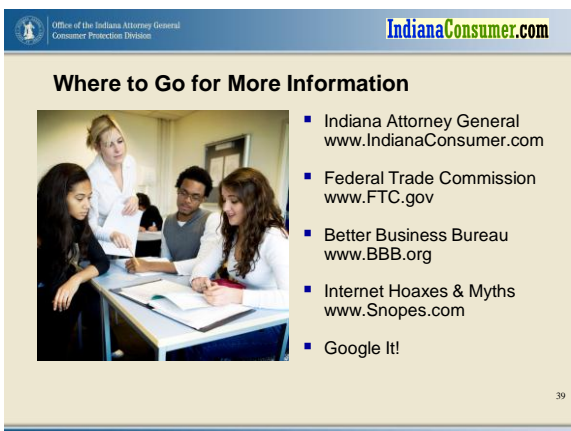
- Guard your card!




30










Office of the Indiana Attorney General
Consumer Protection Division

IndianaConsumer.com

Questions?



40
